

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY COLE DANIELS,

Defendant.

CR 18–20–BU–DLC

ORDER

Before the Court is Defendant Anthony Cole Daniels’s Pro Se Emergency Motion for Sentence Reduction. (Doc. 78.) Daniels previously filed a motion for compassionate release on May 22, 2023, and a supplemental motion for compassionate release on September 28, 2023. (Docs. 66, 73.) The Court denied those motions on November 3, 2023, on three grounds: (1) failure to exhaust administrative remedies, (2) lack of extraordinary and compelling reasons, and (3) consideration of the factors set for in 18 U.S.C. § 3553(a). (Doc. 77.) Daniels’s current motion essentially seeks reconsideration of the prior determination of the Court. The United States opposes the motion. (Doc. 79.)

Daniels has provided additional evidence supporting exhaustion of administrative remedies and his claim of extraordinary and compelling circumstances. (*See* Docs. 78, 78-1, 78-2.) However, this additional evidence is

not sufficient to warrant the requested relief because the § 3553(a) factors do not support his early release.

Daniels explains that he is slated to be released to a halfway house on March 25, 2024, as a result of the credits he has earned while in custody. He asks that he be permitted to leave prison a few months earlier and be placed on supervised release in lieu of being placed in a halfway house so that he can care for his elderly and ailing mother. (Doc. 78 at 5.)

On March 21, 2019, Daniels was sentenced to 120 months custody for conspiracy to distribute methamphetamine. (Doc. 42 at 1.) His current release date is March 13, 2026. *See* Inmate Locator, <https://www.bop.gov/inmateloc> (accessed February 12, 2023). Daniels's offense conduct involved the possession of over 1,000 grams of methamphetamine, 27 firearms, 753 grams of marijuana, numerous items of drug paraphernalia, and precursor chemicals for the manufacture of methamphetamine. (Doc. 44 ¶ 14.) Investigators also discovered journals containing recipes and notes associated with the manufacture of methamphetamine. (*Id.* ¶ 15.)

At the time of the investigation and subsequent arrest, Daniels was under the supervision of the State of Montana as a registered violent offender. (*Id.* ¶ 13.) Daniels's total criminal history score was eight, placing him in criminal history category IV. (*Id.* ¶¶ 39–41.) Daniels has prior state felony convictions for

burglary, possession of controlled substances, manufacturing of dangerous drugs, and operation of an unlawful clandestine lab. (*Id.* ¶¶ 34, 37, 38.)

As the Court previously explained, in light of the seriousness of the offense conduct, the history and characteristics of Daniels, and the need to deter future criminal conduct, the federal sentencing objectives set forth in 18 U.S.C. § 3553(a) do not support Daniels's early release from custody.

Accordingly, IT IS ORDERED that the motion (Doc. 78) is DENIED.

DATED this 12th day of February, 2024.



Dana L. Christensen, District Judge
United States District Court